



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
REORGANIZATION MEETING

Date: January 13, 2003

AGENDA:

7:30 p.m. – Roll Call

Motion to accept minutes of DECEMBER 9, 2002 meeting as written.

PRELIMINARY MEETINGS:

1. **BAILEY, THOMAS (#02-73) Knox Drive** - Request for 12' rear yard setback to construct addition with attached deck. (SBL 6-5-31) **R-4 Zone.**
2. **CRAWFORD, DAVID (#02-74) 70 Merline Ave.** – Request for 6' rear yard setback for existing deck. (SBL 15-4-4) **R-4 Zone.**

PUBLIC HEARINGS:

3. **BJS HOLDING LLC (LA CASA DORO) (02-72) 152 Windsor Highway** – Request for 6" Maximum Height for two building signs
4. **BLOOM & BLOOM (02-68) Blooming Grove Tpk.** Request for 20.2' Front Yard; 5'8" Rear Yard; 17% Developmental Coverage; 5 Parking Spaces (SBL #46-2-50.1) **PO Zone**

Myra (845) 563-4615

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
JANUARY 13, 2003

MEMBERS PRESENT: LAWRENCE TORLEY, CHAIRMAN
MICHAEL KANE
LEN MCDONALD
MICHAEL REIS

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: STEPHEN RIVERA

REGULAR MEETING

MR. TORLEY: I'd like to call to order the January 13, 2003 meeting of the New Windsor Zoning Board of Appeals.

REORGANIZATION

MR. TORLEY: We're going to postpone our reorganizational session until next meeting, hopefully Steve will be here.

MINUTES

MR. TORLEY: Motion to accept the minutes?

MR. KANE: Mr. Chairman, I move we accept the minutes

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of December 9, 2002.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

PRELIMINARY MEETINGS:

BAILEY, THOMAS (02-73)

Mr. Thomas Bailey appeared before the board for this proposal.

MR. TORLEY: Request for 12' rear yard setback to construct addition with attached deck. Tell us what you need to do.

MR. BAILEY: I need to put an extension onto the back of the house to get more flat space and I need 12 foot variance because it extends 28 feet, doesn't meet the 44 foot limit.

MR. TORLEY: This is an attached deck?

MR. BAILEY: Yes and an extension to the house, addition.

MR. TORLEY: We have these preliminary meetings so that by law, the Zoning Board of Appeals does everything at a public hearing, we have the preliminaries so we can understand what you want, we can tell you the kinds of things you'll be expected to present at a public hearing so no one gets surprised.

MR. KANE: Mr. Bailey, are you going to be cutting down any trees or creating water hazards in the building of this addition and deck?

MR. BAILEY: We have a tree in the back yard I have to have somebody take a look at it. I don't think it's going to interfere but I want him to take a look at it, there's one in the yard where the site plan is, I'm pretty sure it's not going to interfere.

MR. KANE: You won't be creating any water hazards or runoffs with this.

MR. BAILEY: No.

MR. KANE: Approximately, what's the size of the deck that's going to be going on there?

MR. TORLEY: This is sort of a semicircular deck, it's going to be going around a swimming pool or something?

MR. KANE: You have a plan?

MR. TORLEY: Yes.

MR. KANE: We can see from the plan, sir, thank you.

MR. TORLEY: One thing you to remind you that we do everything by what you tell us the measurements are. If you say you need a ten foot variance that's what we go by. If it turns out that you mis-measure and you actually need a 10 foot 7 inch variance some banks get so fussy that you have to start over again.

MR. BAILEY: I had an architect do it.

MR. TORLEY: If you had the architect--

MR. BAILEY: The architect did the site plan.

MR. KANE: Are there going to be doorways coming out from the existing house onto the deck from the addition to the deck?

MR. BAILEY: Yes, there's going to be a doorway, a double doorway on the existing house onto the deck and there's a double doorway and there's a patio that exists.

MR. KANE: Without the deck being there, that would be a safety hazard?

MR. BAILEY: Yes, this is a garden area right down here where the steps are.

MR. TORLEY: Do your neighbors have any decks like this, not identical but they have decks on their house?

MR. BAILEY: Yes, they do.

MR. TORLEY: Make sure you talk to your neighbors. Gentlemen, do you have any other questions at this

time?

MR. REIS: You're not going to be creating drainage to your neighbor's rear yard or side yard or anything?

MR. BAILEY: No.

MR. KANE: If I may ask the purpose of the addition?

MR. BAILEY: I'm, I need to have more flat area space. Right now the way these houses are built, there's just a small area around, for my mobility, I need to have better access outside.

MR. KANE: Fair enough.

MR. TORLEY: Those are the kinds of things we're going to ask you at a public hearing. This is an area variance which means we have to balance the pluses you've got and by being able to do this against any impact of your neighbors.

MR. KANE: Plus with a two story addition, we want to make sure that you're not going to be adding some kind of an apartment or something like that to the home so we need to ask those questions and verify them.

MR. BAILEY: The main purpose is to get more space for me for, I'm becoming less mobile than I was before.

MR. KANE: By law, we need to, this is the smallest that you can make this addition?

MR. TORLEY: We're also directed to grant the smallest feasible variances, too.

MR. KANE: To accomplish what you want?

MR. BAILEY: I have to check on that.

MR. TORLEY: Be prepared to talk about why you need this kind of size.

MR. KANE: Doesn't necessarily mean I'm against what you're showing.

MR. BAILEY: It's not a question I even thought about.

MR. KANE: That's why we have a preliminary. If you can just give the actual dimensions of the addition.

MR. KRIEGER: Is it over any water or sewer easements, well or septic system?

MR. BAILEY: It's not over any water or anything.

MR. KANE: With the addition and the deck the house itself is not going to make any drastic changes to the neighborhood and be similar in size to other homes in your neighborhood?

MR. BAILEY: Yes, there's some homes that the configuration will be different in size, it will be the same as many homes in the area.

MR. KANE: Thank you very much, sir.

MR. TORLEY: Are we going to run into developmental coverage problems, Mike, you've got a plan, does it look like he's going to get into developmental area coverage?

MR. BABCOCK: We'll have to take a look at that, Mr. Chairman, apparently not, they didn't do it or they didn't see it. I'll check that.

MR. TORLEY: There are limits within the zoning code as to how much you can put on a property. You can't fill your entire lot with house.

MR. KANE: As long as you're here, we want to make sure everything is correct.

MR. REIS: Is it 20 or 15 percent?

MR. BABCOCK: Things have changed so I'm not sure what the numbers are, I don't have that with me here tonight.

MR. TORLEY: It's an R-4 zone, I don't remember what it

is.

MR. BABCOCK: All the numbers have changed recently so--

MR. TORLEY: We'll check and make an amended if necessary.

MR. BABCOCK: I will modify this, we'll talk tomorrow and I will modify this and give it to Myra and at the public hearing we'll know that that was modified.

MR. KANE: I move that we set up a public hearing for Mr. Bailey on his requested variances.

MR. MC DONALD: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

CRAWFORD, DAVID (02-74)

MR. TORLEY: Request for 6' rear yard setback for existing deck.

Mr. David Crawford appeared before the board for this proposal.

MR. TORLEY: What can we do for you?

MR. CRAWFORD: As you can see, we have finished building the house and I put the deck up not realizing it was too close to the property line so the building inspector--

MR. TORLEY: Which deck are we talking about?

MR. KANE: The one over the garage door?

MR. CRAWFORD: Yes, the cantilevered deck, the one over the garage.

MR. KANE: How big is the existing deck?

MR. CRAWFORD: Excuse me?

MR. KANE: What's the dimensions?

MR. CRAWFORD: Six feet out and ten feet wide.

MR. TORLEY: Mike, I don't remember how wide he can have, how far out it can be cantilevered off a house.

MR. BABCOCK: As far as the front entrance or the front entrance can be not more than 6 foot into the front yard setback and not more than eight foot long.

MR. CRAWFORD: This is in the rear of the house.

MR. BABCOCK: It's in the rear?

MR. TORLEY: I've never seen one like this cantilevered out over a garage door, it's not taking up living space.

MR. KANE: But he's gone 6 feet into the back yard so obviously, you didn't create any water hazards or cut down any trees with this?

MR. CRAWFORD: No, no footing, no foundation.

MR. KANE: Without it there with the glass sliding doors, it would be a definite safety hazard?

MR. CRAWFORD: Oh, yeah, yeah.

MR. KANE: And the deck itself is not, doesn't change the character of the neighborhood or other decks, there are other decks in the neighborhood off the back of the house?

MR. CRAWFORD: Yeah, you can see in the pictures the next door neighbor's house is actually further back than the deck, the whole house and outbuilding that actually sits on my property so.

MR. REIS: You haven't had any complaints from your neighbors?

MR. CRAWFORD: Oh, no, it's like the best house in the neighborhood now.

MR. REIS: Looks great, nice job.

MR. KANE: This will be the same type of thing that we'll put you through for the public hearing.

MR. REIS: We don't want you to take it down but you have, you're going to have to tell us that it's okay.

MR. CRAWFORD: It's really on there too good to go taking it down.

MR. KANE: Accept a motion?

MR. TORLEY: If there are no other questions, yes.

MR. KANE: Mr. Chairman, I move we set up Mr. Crawford for a public hearing on his requested variance.

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MR. REIS: Second the motion.

ROLL CALL

MR. KANE AYE

MR. REIS AYE

MR. MC DONALD AYE

MR. TORLEY AYE

MR. TORLEY: How long has it been there?

MR. CRAWFORD: Brand new.

MR. KANE: We'll ask that question at the public hearing to cover every base.

PUBLIC HEARINGS:

BJS HOLDING LLC (LA CASA DORO) (02-72)

MR. TORLEY: First public hearing is BJS Holding (La Casa Doro) request for six inch maximum height for 2 building signs.

Robert Dickover, Esq. appeared before the board for this proposal.

MR. TORLEY: Before you begin, let the record show there's no one in the audience on this matter.

MR. DICKOVER: Robert Dickover appearing on behalf of the applicant. Preliminary matters, Mr. Chairman, the affidavit of mailing and notices and the publication.

MS. MASON: For the record, on the 27th of December, 23 addressed envelopes containing the public hearing notice were mailed out.

MR. TORLEY: Let the record show that Mr. McDonald has departed to the fire as he is a member of the volunteer fire department and has been called to duty. Okay, sir.

MR. DICKOVER: The gist of our application is set forth in our application, Mr. Chairman, hopefully you folks have had a chance to see that, it's a two part application. One section a variance of an existing placard sign on the front of the building for our tenant known as Special Tees for the, there's a picture of the existing sign as part of our application, apparently it's six inches too wide, the ordinance calls for I believe 2.6 feet in width and this particular sign unfortunately was put up 3 feet. That's the first application. So we seek a six inch variance with respect to that existing sign and then there's a second part of the application for a second freestanding pole sign that's also on the premises, there's a picture and a diagram of that also I believe as part of the file and it's submitted.

MR. KANE: When you say the six inch maximum width,

you're talking about the height?

MR. DICKOVER: Yeah, the height, there's length and there's height. When I went to school, it was called height and width. I don't know what it's called now.

MR. KANE: Just want to make sure we're both on the same page.

MR. BABCOCK: You're allowed a 2 1/2 foot by 10 foot sign and he has a three foot by ten foot sign.

MR. DICKOVER: Just a point of information there was a prior tenant there and Certificate of Occupancy was issued for a three foot in height sign, that tenant removed themselves and so pursuant to your ordinance, it's my understanding we need to make application for occupancy and signage and again, I believe history of this would show that that's when the height of the sign came into question. If you care to have it as part of your file there was a Certificate of Occupancy issued to a tenant that was called Affairs of the Heart. If I may submit this, Mr. Chairman, if you want to take it, it would show that there's a permit issued and I'm reading from this C.O. permit issued for three foot by 12 foot wall sign slash occupancy certificates issued Affairs of the Heart. That's the same store location, you may have that as part of your file already.

MR. TORLEY: So that was for the wall sign now not a pole sign?

MR. DICKOVER: This is for the wall sign that I'm referring to a placard sign, facade sign.

MR. TORLEY: So you're now talking about the Special Tees sign?

MR. DICKOVER: Yes, sir, yes, I am.

MR. KANE: And the sign is up and existing as is?

MR. DICKOVER: Yes, it is.

MR. TORLEY: Have you had any complaints?

MR. DICKOVER: No, we have not, not that I'm aware of, no.

MR. KANE: Is it similar in size to the other signs on the facade of the building?

MR. DICKOVER: The other signs on the facade of the building, let me, they're all similar in size, all of the other signs that are currently there, except for the store at the far right, it houses a Tae Kwon Do studio are in compliance with the ordinance. They are all 2 1/2 by 10, I think one of them is 2 1/2 by 8, the Tae Kwon Do studio he calls himself Master Maeng, M-A-E-N-G, that sign is not in compliance and applied for and received a building permit to remove it and replace it with a conforming sign. The status of that work I believe we're trying to contract with someone to do that work.

MR. KANE: That sign at the end will be in compliance?

MR. DICKOVER: Application is for a complying sign 2 1/2 by 10, sir.

MR. TORLEY: Do you want to--

MR. KANE: Let's do it separately.

MR. REIS: Just going to ask Myra were there any responses to the notices that went out?

MS. MASON: No.

MR. TORLEY: Gentlemen?

MR. KANE: Does the sign, any illumination on this particular sign? There's no flashing, there's no neon?

MR. DICKOVER: I've never been there at night, it's a, I don't think it flashes but we also had electrical inspections done with Mr. Lisi from the Building Department within the last 30 days or so--

MR. TORLEY: Internally lit, non-flashing, non-neon

sign.

MR. BABCOCK: Yes.

MR. DICKOVER: Thank you, Mr. Babcock.

MR. TORLEY: I'll entertain a motion.

MR. KANE: On the first request for BJS Holding on the six inch maximum height on this Special Tee sign, I move that we vote in favor of that variance.

MR. BABCOCK: Mr. Chairman, did you open it up to the public?

MR. TORLEY: There's no one in the public.

MR. REIS: Second the motion.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. TORLEY: Now we move to the pole sign and existing 4 foot by 6 foot pole sign, do you have a photograph of that in this package?

MR. DICKOVER: There's a photograph of that.

MR. TORLEY: Says Heritage Square.

MR. DICKOVER: May I see it just to make sure? It's this one in the upper right-hand corner of the photograph, those are the approaches that you asked me for from the north and the south. The sign is very difficult to spot in there because it's not a large sign at least from sight distance purposes or for sight distance purposes.

MR. REIS: What are we looking for on this?

MR. TORLEY: It's a second freestanding. Where is the one sign that's permitted on the property?

MR. DICKOVER: Yes, I believe I located that also on a diagram or a map that I submitted. It's centered at the center of the building on the property, it's right there centered in line with the building.

MR. TORLEY: It says what?

MR. DICKOVER: And it says you have a photograph I hope of it.

MS. MASON: Is this the diagram?

MR. DICKOVER: Thank you, that's the diagram and this is the location of the existing, the proposed sign, one that we're applying for is at this far corner.

MR. TORLEY: Can you show it to these folks? So what does it say on the existing sign?

MR. DICKOVER: They're both existing but the one that's quote the legal sign, the main sign for the property says across the top of it Heritage Square and then it has the on a separate placards the names of the tenants and they're meant to be removed as tenants come and go.

MR. KANE: That's the existing sign right now, the one with the placards for the different tenants.

MR. DICKOVER: Yes.

MR. KANE: Could you explain to why we need the second sign that says Heritage Square?

MR. DICKOVER: The history is a little bit bizarre but I will go through it if you want to hear it and this relates to the legal sign that one that has its permits, my client applied, it's my understanding history from coming from this that the legal sign there was a permit and application for a building permit was made, the size of that sign as far as total square footage exceeded your ordinance. As they proceeded in front of this board for a variance, the building permit for the existing sign expired as time ran out I think you have a 6 month time period for the construction to

be completed. While that work was going on, the client felt some need to get some sort of identification for this shopping center as Heritage Square, now whether they were right or wrong, I'm not sure, but at that time, and in that process period, they constructed this small second freestanding sign that's the subject of our application and they put it up. After that was done, they obtained their variance for the existing quote legal sign and that work was completed and this little sign that we're applying for tonight has remained there ever since that period of time.

MR. KANE: Is this particular sign illuminated?

MR. DICKOVER: No, it's not.

MR. KANE: Can you explain any real need for this sign knowing that the front of that particular lot, the driveways are fairly close, they are not that far apart where the one main sign can't handle viewing the street traffic from both ways.

MR. DICKOVER: The only argument that I can put forth for your question is that it's further identification for the shopping center and makes reference only to Heritage Square which they use as their name. So for further identification purposes in an attempt to avoid confusion to the public, because there are two entrances there, you know, the public may be looking at that saying which entrance do I go in, are they both for the shopping center, are they not, I think it may avoid some confusion. There are two entrances which loop around that existing sign so that would be the applicant's argument.

MR. TORLEY: If he was to have a directional sign that said, how big could a directional sign saying entrance here kind of thing be?

MR. BABCOCK: The standard what we use as the standard and I don't know the answer to that except that it's the standard DOT sign that says enter or exit.

MR. KANE: But this particular sign has no entrance or exit notification?

MR. DICKOVER: No, there's no directional indicator on it.

MR. BABCOCK: The directional signs like you'd see for movement within a parking lot, do not enter signs and exit-entrance signs and one way signs, they are exempt from the code, they are as long as they meet DOT specifications.

MR. TORLEY: So if we took this Heritage Square sign and had a sign that had enter here, he'd be perfectly legal?

MR. BABCOCK: Yes.

MR. TORLEY: And as far as the colors of the sign, that's up to him?

MR. BABCOCK: Yeah, it's got to be DOT standard sign, it's along Route 32, DOT will not accept anything other than that.

MR. TORLEY: Why do you need another sign? I'm trying to see why, you've got a big sign that lists all the things, this is just marking another entrance.

MR. DICKOVER: It's marking another entrance.

MR. TORLEY: So if he had a sign that said entrance or enter?

MR. DICKOVER: They can do that, you know, they could take this sign down and from what I am hearing from Mr. Babcock, they can take it down and put in a sign that has enter here or exit here. Our only position is that the sign is up, it's existing, there is right adjoining this property at that end of the property a motel whose driveway is fairly close and I suppose again to avoid confusion for people coming in and out of there absent replacing it and re-signing the whole thing with directional signs that this one would avoid some confusion for people coming in and out.

MR. KANE: I have no further questions.

MR. REIS: What's the dimensions of the existing sign, Bob?

MR. DICKOVER: The existing sign is 5 foot 3 by 4 feet.

MR. REIS: Non-illuminated?

MR. DICKOVER: Right.

MR. TORLEY: We're directed to grant the smallest feasible variances, everybody has their own vote, all I'm saying to me this looks like you have a large illuminated sign that defines what you need, this is a left over sign from almost a construction period, just sort of hanging around. Okay, gentlemen, do you have any other questions of this matter?

MR. KANE: No, sir.

MR. TORLEY: Entertain a motion on it.

MR. DICKOVER: Might I perhaps interject a thought for you maybe to entertain as part of a motion that we're looking to allow the sign to stand for so long as it may remain there, perhaps if the board is not in favor of this sign, you would allow us some amortization period with respect to it.

MR. TORLEY: How long has it been there?

MR. DICKOVER: It would be there dating back to the original variance on the quote legal sign and I have that record some where.

MR. TORLEY: I vaguely remember, this a long time ago.

MR. REIS: I think it was '91.

MR. DICKOVER: '93, I have a note that it was approved September 1, 1993, it appears on a note from the building department when they disapproved almost ten years.

MR. TORLEY: This is a pretty long time to amortize off

a sign. Gentlemen, do you have a motion that you wish to make?

MR. REIS: Yeah.

MR. KANE: I move that we approve the second freestanding sign for BJS Holding LLC with the addendum that the sign can only remain as long as it's physically able to remain.

MR. REIS: Second it.

ROLL CALL

MR. KANE	NO
MR. REIS	AYE
MR. TORLEY	NO

MS. MASON: Motion is defeated 2 nays.

MR. DICKOVER: Procedurally, does this board follow these motions with a written resolution?

MR. KRIEGER: Eventually yes but it's binding as of now because the building inspector will act on it, he's here now and that's the reason for taking the vote.

MR. DICKOVER: That's fine, I just, we have a list, a laundry list of things with this property I'm trying to resolve with the building department, this is just two of many. All of the others have been resolved. It's my hope and understanding I want to be able to proceed.

MR. KREIGER: You should be able to proceed immediately.

MR. DICKOVER: Very good, thank you.

BLOOM & BLOOM (02-68)

MR. TORLEY: Request for 20.2' front yard, 5'8" rear yard, 17% developmental coverage, 5 parking spaces.

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. BLOOM: Good evening, gentlemen and ladies.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter?

MR. BLOOM: Thank you, Mr. Chairman. As my son I believe indicated on the preliminary hearing on this matter, we reached a point in our practice where we found it necessary to expand the building. And what we propose to do is to looking at the building from Route 94 proceed out to the right in the rear section of the building with an addition, two story addition. The addition is going to keep the same facade, the same type of elements as the existing building. So the goal here is to achieve an expansion which is not going to be readily apparent to the general public going by the building from Route 94. As a result of this expansion when we look at the zoning ordinance, we find that we need several bulk variances, specifically since the paper road coming off 94 towards our building which is on the side of the building by Mr. Shed franchise by reason of that paper street coming in it's been determined that our front yard which is the apparent front yard is also, pardon me, it's been determined that our side yard as you look at our building from the front on the right is really a front yard because it faces onto this paper street. As a result, the setbacks that we'll need are insufficient at the present time resulting in an need for a variance of 20.2 feet on the right-hand side of the building because it's going to be categorized front yard and we're going to need a 7 foot variance on the rear yard and we need a 17 percent developmental coverage variance and a variance for 5 spaces on parking. Now, on the right-hand side of our building as you face it from 94 there's a row of trees I would say probably at least three or four that are at least 30 or more feet

in height, they are very bushy in the springtime, so they are sort of a natural coverage, natural barrier there. It is our plan however if this board sees it appropriate to grant the variances requested to go to the planning board and present an actual landscape plan, we intend to put in more trees, more shrubs on that side of the building, both for the privacy of our office as well as for the privacy of our neighbors. In terms of the impact on the neighborhood, I respectfully suggest that it will be minimal because as I say, we have the natural barrier in place at the present time, we intend to add more shrubberies and perhaps some Hemlock trees and what have you to increase the screening both on the side of the Mr. Shed franchise as well as across the back of the property. We're forced to expand in this area because we have our septic system and leach field in the rear of the building so we really don't have any other option in that respect. And so we're pretty much forced to make the expansion in this particular area. And so we submit to this board that we have tried to minimize the application as much as possible and at the same time make it realistic enough that we have the necessary additional space internally to make it a practical expansion.

MR. TORLEY: There's no sewer down 94?

MR. BLOOM: There is sewer, it's a very good point, there is sewage on the other side of 94 from our office, it's my understanding in discussing this matter with the town engineer, that he's going to submit to the planning board that the developer and I understand a developer's proceeding behind us, the property behind us, it's my understanding that that developer's going to be bringing sewer across 94 and down that paper street. When that occurs, we're already in discussion with the town engineer and I'm going to be discussing more detail with the planning board hooking into that town sewer both for myself and for Planned Parenthood and for Dr. Kappa and we're also going to at that time and I'm going to now address an issue that my son indicated to me was raised when he was here the last time about drainage. We presently have a, as you can see, we have a pit in the front of the building in the middle of the parking area that presently takes care of

the existing drainage. It's anticipated that there will be further drainage and we want to improve that system and so what we're hoping to do is to be, through the efforts of the planning board is to try to tie our drainage issues into the road that's going to be constructed by the developer coming into the rear. And it's contemplated that that will be, will result in an enhanced drainage capacity for both our property as well as the property of the developer in the rear of the property.

MR. KRIEGER: When you refer to Planned Parenthood and Dr. Kappa, those are the two offices immediately adjacent and two doors down from you?

MR. BLOOM: Yes, thank you.

MR. KRIEGER: And there are other offices across the street, there's a church across the street.

MR. BLOOM: That's correct.

MR. KRIEGER: And immediately adjacent to this a business and shopping center?

MR. BLOOM: Correct and some residential houses.

MR. KANE: With your permission, I'm going to show the audience what we're talking about.

MR. TORLEY: Sure.

MR. REIS: Just as a point of reference, Mr. Bloom, I think you mentioned a 7 foot rear yard, actually your request is for 5.8 or 5 foot 8 inches.

MR. BLOOM: I think it was amended, Mr. Reis, to increase it, according to my copy, it was actually 6.56 feet on the rear yard and I rounded it off to 7.

MR. TORLEY: Cause ours shows 5 foot 8 inch rear yard.

MR. REIS: That's the only reason I'm mentioning it.

MR. BLOOM: What occurred is after we submitted that

application to the board, I believe that I had a meeting with Mark Edsall.

MR. TORLEY: Why don't we make it 6 foot?

MR. BLOOM: I just don't want to be short.

MR. BABCOCK: It was, Mr. Chairman, just so that you know, the planning board engineer, Mark Edsall because this is a planning board package had done a referral, my office also done a referral. The referral that we done we did off of just numbers before a survey so that's why there's a difference in numbers.

MR. TORLEY: So you're saying 6 foot variance would cover you?

MR. BLOOM: I believe I'd feel safer Mr. Torley with 7 because the actual, would you agree with that, Mike?

MR. BABCOCK: Yes, the addition is going to be 14 x 16, it's not going to grow because the variance grows, it's going to go--

MR. BLOOM: That's correct.

MR. TORLEY: So make that change.

MR. KRIEGER: If the paper road didn't exist and this were truly a side yard as it appears to be, how much variance would he need then?

MR. BABCOCK: Well, the survey says he's 14.8 feet and the required side yard is 15. Now my denial says he has 15 feet so basically he needs a, it's 14.8, 2/10 of a foot.

MR. TORLEY: And it's a 17 percent developmental area coverage. This is going to be a paved parking lot?

MR. BLOOM: That's correct, Mr. Torley.

MR. TORLEY: And five parking spaces, would you explain how that comes about?

MR. BLOOM: Actually, we backed into it, Mr. Chairman. What happened was is that after I created the plan, the town engineer suggested that I have my surveyor maximize or place on the actual macadam actual number of parking spaces so that I would have all necessary variances going back to the planning board and not have to worry about having to come back here. As a practical matter when I go to the planning board, I'm contemplating submitting a revised plan to them, subject to their approval which would increase the amount of parking because I'm contemplating taking out lawn and going up on the sides so we can have more parking available to us.

MR. TORLEY: Now then you're contemplating something different than the plan I'm looking at as far as parking?

MR. BLOOM: It will only change to the extent the planning board would deem it a site plan change that would not require coming back to the ZBA, that's why I wanted to go for the maximum variance here, so I wouldn't have to come back.

MR. TORLEY: Your existing lot, the parking is parallel to the front of the building and the proposed plan it's rotated to maximize the spots?

MR. BLOOM: Yes.

MR. TORLEY: This is the plan that you're talking about going to the planning board with?

MR. BLOOM: Yes.

MR. TORLEY: That was my question.

MR. BLOOM: Yes, it is, I'm sorry.

MR. BABCOCK: Yeah, I think the developmental coverage Mr. Chairman was just a matter that he was coming in and might as well get it all cleared up while he's here.

MR. TORLEY: How many parking spaces would be required

for the building size?

MR. BLOOM: I believe the maximum I need I think I need five more, there's a requirement of 20 and I've got 15 so I needed five.

MR. REIS: What's the difference on the developmental coverage, Mike?

MR. BABCOCK: Seventeen percent over, he's allowed 30 percent.

MR. KRIEGER: Now, of the 15 spaces you have here as it's presently configured, do you have all 15 now or is the 15 based on what you will have when you submit the plan to the planning board?

MR. BLOOM: What he's got there right now to my understanding Mr. Krieger is what we have at the present time.

MR. KRIEGER: Which is?

MR. TORLEY: You've got 15 spots now existing?

MR. BABCOCK: No, I think that's proposed.

MR. KRIEGER: Fifteen is proposed.

MR. BLOOM: I'm sorry, it's 14 proposed and with the one handicapped, I'm sorry.

MR. KRIEGER: They're proposed, okay.

MR. TORLEY: And although your business is expanding, I hope it continues to grow, you're all lawyers, but have you ever filled your lot to the capacity that you have now? Have you ever had trouble with parking in your present configuration? Have you had trouble with parking at any point?

MR. BLOOM: We've had an overflow, Mr. Chairman, sure we've had overflows, it happens at times when we have a deposition going on downstairs and a closing at the same time upstairs and I would say that that will

happen I'd say maybe two or three times, maybe once or twice a month, two or three on maybe the summer months.

MR. KRIEGER: Hence the reason for expanding the parking?

MR. BLOOM: Correct.

MR. TORLEY: Gentlemen, do you have any other questions on this?

MR. KANE: Not at the moment.

MR. TORLEY: I will open it up to the public. Sir, madam, do you have any questions that we can help you with?

MR. ARANSON: I don't have, we don't have any worries here because Mr. Bloom's property is not contiguous to ours. I'm just curious to know maybe Dan can tell me what development is going on to the rest of it?

MR. BLOOM: Behind our building, probably have to defer to Mike would probably know more what I know is hearsay, I just had heard that a developer had recently purchased it for the purpose of building something commercial but I'm not exactly sure.

MR. BABCOCK: They looked at senior citizen housing and they're looking to see what's appropriate for the lot so they really haven't, they don't have a final position right now.

MR. ARANSON: Who are they?

MR. BABCOCK: I honestly don't know, you'd have to come to my office, I don't have it with me. I speak to too many people, I can't remember who they are.

MR. TORLEY: But you have no objections to Mr. Bloom's plans?

MR. ARANSON: No.

MRS. ARANSON: No, of course not.

MR. TORLEY: I'll close the public hearing and open it back up to the members of the board. Gentlemen, do you have any other questions for our applicant?

MR. REIS: Just to kind of finalize Mr. Bloom's position here, your business has grown to a point where you need to expand, this is the minimal expansion that makes economical sense to you to do what you want to do?

MR. BLOOM: It is. I'm glad you gave me that opportunity, Mr. Reis, yes, my son joined us in July, we need a room for him and we need expanded a corresponding room for two more secretaries and that's what this is providing us.

MR. REIS: Thank you. I have no more questions.

MR. KANE: Mr. Chairman, accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: I move that we approve the application by Bloom & Bloom for a 20.2 foot front yard variance, a five foot 8 inch--

MR. TORLEY: Seven foot.

MR. KANE: It's increased to a 7 foot rear yard variance, a 17 percent developmental coverage and a five parking space variance.

MR. REIS: Second the motion.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. TORLEY: Motion to adjourn?

MR. REIS: So moved.

January 13, 2003

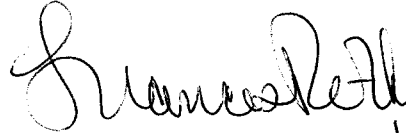
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MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

Respectfully Submitted By:


Frances Roth
Stenographer
1/14/03